

REMARKS

In the Final Office Action dated May 20, 2002, the Examiner rejected claims 27-52 under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 5,666,293 to Metz et al. ("Metz"). By this amendment, Applicants amend claims 27, 33, and 42. Thus, claims 27-29 and 31-52 are currently pending¹.

As noted, the Examiner rejected claims 27-29 and 31-52 under 35 U.S.C. § 102(e) as anticipated by Metz. Applicants respectfully traverse this rejection.

Metz discloses a digital set-top terminal device. The terminal device includes an operating system and a resident application. The terminal device downloads non-resident application into a random access memory. In order to interface non-resident applications, the resident application includes a software interface to selectively execute the non-resident application (See Metz, col. 5, lines 59-64).

Furthermore, during downloading, the non-resident application is divided into a plurality of "DownloadDataBlocks," which each include a block number in its header. Based on the block numbers, the resident application then uses a download routine to place the recovered information in proper order in memory and to recognize capture of all of the download file or image (See Metz, col. 38, lines 14-28). Therefore, Metz discloses a resident application, which downloads non-resident applications, but is not replaced by them.

In contrast, claim 27 recites a downloading apparatus for a broadcast receiver. The apparatus comprises a receiver, a storage element, and a micro-controller. The

¹ In the Office Action Summary, the Examiner indicates that claims 1-29, and 31-52 are currently pending. However, within the body of the Office Action, the Examiner only sets forth a rejection to claims 27-29 and 31-52. Applicants respectfully wish to clarify that claims 27-29 and 31-52 are currently pending.

receiver receives a broadcast signal having a video program signal and a control information signal. The storage element stores a control program for controlling the operation of a video program corresponding to the video program signal. The storage element further comprises a first domain for storing a version number of the control program, a second domain for storing a downloaded program and a predetermined version number indicating a version of the downloaded program, and a third domain for storing the control program. The micro-controller replaces the control program in the storage element with the downloaded program based on the control information signal, the version number of the control program, and the predetermined version number.

Metz, however, does not disclose the features recited by claim 27. For example, Metz discloses a resident application, which downloads non-resident applications, but is not replaced by them. The resident application determines whether the non-resident application was properly downloaded, and if so, interfaces and selectively executes the non-resident application. Even if the resident application could be considered a control program, it is not replaced, for example, by the downloaded non-resident application. Hence Metz fails to disclose, for example, a micro-controller, which replaces a control program in a storage element with a downloaded program based on a control information signal, a version number of the control program, and a predetermined version number, as recited by claim 27. Accordingly, Metz fails to disclose all the features recited by claim 27 and its respective dependent claims 28-29 and 31-32.

Similarly, claim 33 recites, *inter alia*, a controller which replaces a control program in a second storage element with a new control program based on a control information signal and a predetermined version number. As noted, Metz fails to

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disclose replacing a control program, much less replacing a control program in a second storage element with a new control program based on a control information signal and a predetermined version number, as recited by claim 33. Accordingly, Metz also fails to disclose all the elements recited in claim 33 and its respective dependent claims 34-37.

Claim 38 recites, *inter alia*, replacing a stored control program with a separated control program corresponding to a program name in a first domain of memory. Claim 41 recites, *inter alia*, replacing the stored control program with a new control program from a broadcast signal when an examined byte includes a predetermined value, and processing a broadcast signal based on the control program stored in the memory when said examined byte fails to include the predetermined value. For at least the same reasons noted above, Metz also fails to disclose the features recited by independent claims 38 and 41 and their respective dependent claims 39-41 and 42-46.

Claim 47 recites, *inter alia*, deleting a control program which is stored in a second domain of memory and downloading a control program corresponding to a program name from a broadcast signal in the second domain of memory. As noted above, Metz merely discloses a resident application, which controls downloading of a non-resident application, interfaces and selectively executes the non-resident application. In addition, even if the resident application were a control program, it is not replaced, for example, by the downloaded non-resident application. Accordingly, Metz also fails to disclose the features recited by claim 47 and its respective dependent claims 48-52.

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CONCLUSION

Applicants respectfully request that this Amendment under 37 C.F.R. § 1.116 be entered by the Examiner, placing claims 27-29 and 31-52 in condition for allowance. Applicants submit that the proposed amendments do not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner, since all of the elements and their relationships claimed were either earlier claimed or inherent in the claims as examined. Therefore, this Amendment should allow for immediate action by the Examiner.

Furthermore, Applicants respectfully point out that the final action by the Examiner presented some new arguments as to the application of the art against Applicant's invention. It is respectfully submitted that the entering of the Amendment would allow the Applicants to reply to the final rejections and place the application in condition for allowance.

Finally, Applicants submit that the entry of the amendment would place the application in better form for appeal, should the Examiner dispute the patentability of the pending claims.

In view of the foregoing remarks, Applicants submit that this claimed invention, as amended, is neither anticipated nor rendered obvious in view of the prior art reference cited against this application. Applicants therefore request the entry of this Amendment, the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

Attached hereto is a marked-up version of the changes made to the claims by this amendment. The attached page is captioned "Version with markings to show

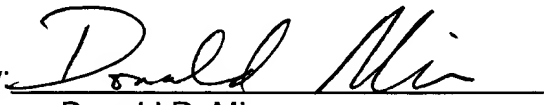
changes made." Deletions appear as normal text surrounded by [] and additions appear as underlined text.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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Dated: October 17, 2002

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

27. (Twice Amended) A downloading apparatus for a broadcast receiver, comprising:

a receiver which receives a broadcast signal having a video program signal and a control information signal;

a storage element which stores a control program, said control program controlling the operation of a video program corresponding to said video program signal, wherein the storage element further comprises

a first domain for storing a version number of the control program,

a second domain for storing a downloaded program and a predetermined version number indicating a version of the downloaded program, and

a third domain for storing the control program; and

a micro-controller [which updates] for replacing said control program in the storage element with the downloaded program based on said control information signal, the version number of the control program, and said predetermined version number.

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33. (Twice Amended) A downloading apparatus for a broadcast receiver, comprising:

a receiver which receives a broadcast signal having a video program signal and a control information signal representing a new control program;

a first storage element which temporarily stores said control information signal representing [a] the new control program;

a second storage element which stores a control program controlling the operation of a video program corresponding to said video program signal and a predetermined version number indicating a version of the new control program; and

a controller which replaces the control program in the second storage element with the new control program based on said control information signal and said predetermined version number.

42. (Once Amended) A method for downloading a control program from a broadcast signal in a digital broadcast receiver, comprising:

examining a [version] byte of a memory [in which] indicating a version of a control program [is] stored in said memory; and

[downloading] replacing the stored control program with a new control program from a broadcast signal [if] when said examined [version] byte includes a predetermined value, and processing said broadcast signal based on said control program stored in the memory [if] when said examined [version] byte [does not] fails to include the predetermined value.

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